

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**FRANCIS MICHAEL  
LONGOBARDO,**

**Plaintiff,**

**v.**

**Case No: 6:21-cv-1255-GKS-LRH**

**COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

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**ORDER**

THIS CAUSE comes before the Court upon Defendant's, the Commissioner of Social Security's, Unopposed Motion for Entry of Judgment with Reversal and Remand of the Cause to the Defendant (Doc. 19) (Motion). Defendant's Motion specifies that

The Commissioner requests remand to give further consideration to the claimant's respiratory impairments, and in doing so, further evaluate the medical evidence related to the claimant's oxygen use; give further consideration to the claimant's maximum residual functional capacity; and obtain supplemental evidence from a vocational expert to clarify the effect of the assessed limitations on the claimant's occupational base. The hypothetical questions should reflect the specific capacity/limitations established by the record as a whole. The Administrative Law Judge will ask the vocational expert to identify examples of appropriate jobs and to state

the incidence of such jobs in the national economy. Further, before relying on the vocational expert evidence the Administrative Law Judge will identify and resolve any conflicts between the occupational evidence provided by the vocational expert and information in the Dictionary of Occupational Titles (DOT) and its companion publication, the Selected Characteristics of Occupations.

(Doc. 19:1). The Court referred the Motion to the United States Magistrate Judge for a report and recommendation (Report and Recommendation).

On October 19, 2021, the United States Magistrate Judge issued a Report and Recommendation (Doc. 20), recommending that Defendant's Motion be granted, and the Commissioner's decision be reversed and remanded.


After review and consideration of the Report and Recommendation, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. United States Magistrate Judge Leslie R. Hoffman's Report and Recommendation (Doc. 20) is **APPROVED and ADOPTED** and is made part of this Order for all purposes, including appellate review.
2. Defendant's Unopposed Motion for Entry of Judgment with Reversal and Remand of the Cause to the Defendant (Doc. 19) is **GRANTED**.

3. The Commissioner's final decision is **REVERSED**, and the action is **REMANDED** to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g) for the reason stated by the Commissioner.

4. The Clerk of Court is **DIRECTED** to enter Judgment in favor of Plaintiff, Francis Michael Longobardo, and against Defendant Commissioner, and **CLOSE** this case.

**DONE AND ORDERED** at Orlando, Florida, this 25 day of October, 2021.

  
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**G. KENDALL SHARP**  
**SENIOR UNITED STATES DISTRICT JUDGE**

Copies to:

Counsel of Record  
Unrepresented Parties